

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing and Notice of Issuance of a Complaint

Administrative Civil Liability Complaint No. R1-2007-0068
For
Violations of Water Quality Control Plan for the North Coast Region and
State Water Resources Control Board Order No. 2006-003-DWQ

In the Matter of
City of Sebastopol
Morris Street Pump Station
WDID No. 1B76176OSON

Sonoma County

On August 14, 2007, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No R1-2007-0068 (Complaint) to the City of Sebastopol (Discharger). The Complaint proposes a civil liability in the amount of \$50,000 for violations of the Water Quality Control Plan for the North Coast Region and State Water Resources Control Board Order No. 2006-003-DWQ. The Complaint was issued for failure to comply with prohibitions regarding the discharge of waste from the Discharger's sanitary sewer system. These violations occurred during the period of January 1 through January 4, 2006 and on April 21, 2007 and are subject to penalties as described in the Water Code section 13385, subdivision (c).

The total proposed penalty is \$50,000. The Discharger may satisfy terms of the Complaint by paying the full amount of the penalty into the State Water Pollution Cleanup and Abatement Account or by paying a portion of the penalty and completing a supplemental environmental project.

Opportunity for Settlement Without a Public Hearing

A thirty-day public comment period has commenced beginning on the date of this notice. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the hearing and agrees to pay the full amount of the proposed civil liability. The Assistant Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the right to a hearing, the Regional Water Board will hold a public hearing on this matter on October 24 or 25, 2007 at 9:00 a.m. or as announced in the Regional Water Board's summary agenda to be mailed on or about October 1, 2007. The meeting is scheduled to be held in the Best Western Weaverville Victorian Inn conference room, 1709 Main Street,

Weaverville, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

If the Discharger or interested persons would like the Regional Water Board to consider technical reports, testimony, and other evidentiary material concerning this issue, written copies of such documentation must be submitted to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403 by 5:00 p.m. on September 17, 2007. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Quality Control Board by September 10, 2007. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at <http://water100.waterboards.ca.gov/rb1/orders/com/s.asp>. That document as well as the other evidentiary documents and file may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments may be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Bill Rodriguez at (707) 576-2683 or at wrodriguez@waterboards.ca.gov.

Luis G. Rivera
Assistant Executive Officer

August 14, 2007